

# BRAZIL

## FEDERATIVE REPUBLIC OF BRAZIL

Head of state and government:

Dilma Rousseff

**Levels of violent crime remained high. The authorities frequently responded with excessive force and torture. Young black men continued to make up a disproportionate number of homicide victims. Torture and other ill-treatment were reported in the detention system, which was characterized by cruel, inhuman and degrading conditions. Rural workers and Indigenous Peoples and *Quilombola* communities (descendants of runaway slaves) suffered intimidation and attacks. Forced evictions in both urban and rural settings remained a serious concern.**

## Background

The socio-economic situation continued to improve, with more people moving out of extreme poverty. Nevertheless, the homes and livelihoods of Indigenous Peoples, landless rural workers, fishermen and urban slum dwellers continued to be threatened by development projects.

In November, Brazil was re-elected to the UN Human Rights Council. Brazil criticized violations in the Syrian armed conflict, but abstained over a resolution in the General Assembly expressing concern over the human rights situation in Iran.

In May, the Chamber of Deputies passed a constitutional amendment that allows for the confiscation of lands where slave labour is found to be used. The reform was before the Senate awaiting approval at the end of the year.

## Impunity

In May 2012, the National Truth Commission was established by President Dilma Rousseff. The Commission is mandated to investigate human rights violations from 1946 to 1988. The Commission began hearing testimonies and investigating records during the year, although some concern was expressed at the use of some *in camera* hearings. The establishment of the National Truth Commission led to the creation of several truth commissions at the state level, for example in the states of Pernambuco, Rio Grande do Sul and São Paulo. However, concerns

remained about the ability to address impunity for crimes against humanity while the 1979 Amnesty Law remained in place; the Amnesty Law had been declared “null and void” by the Inter-American Court of Human Rights in 2010.

Federal prosecutors initiated criminal prosecutions of members of the security services accused of kidnappings during the military governments (1964-1985), arguing that it was a “continuous crime” and thus not covered by the Amnesty Law.

## Public security

States continued to adopt repressive and discriminatory policing methods in the face of armed criminal violence. Tens of thousands of people were killed in criminal violence, with young black men disproportionately targeted, especially in the north and north-east of the country.

The number of killings fell in some states, often as a consequence of localized public security projects. For example, in Rio de Janeiro, the Police Pacification Units project expanded to new *favelas* and contributed to a reduction in homicide rates.

In January, the federal government cut by almost half the funding for its national public security project (Programa Nacional de Segurança Pública com Cidadania, PRONASCI). Although the government did promise some important projects to ensure greater protection, such as the plan to prevent violence against black youth (known as “Living Youth”), there were concerns that these were not effectively funded.

In Rio de Janeiro and São Paulo states, killings by police officers continued to be registered as “acts of resistance” or “resistance followed by death”. Few, if any, such cases were effectively investigated despite evidence that they involved excessive use of force and possible extrajudicial executions. The National Human Rights Council passed a resolution in November calling on all states to stop registering police killings as “acts of resistance” or “resistance followed by death”. The resolution further called for all killings by police to be investigated, for forensic evidence to be safeguarded and for the numbers of killings by police to be published regularly. The resolution was under consideration by the São Paulo state government at the end of the year, with a view to introducing changes to the designation of killings by police and measures to preserve crime scenes in 2013.

São Paulo state saw numbers of homicides increase dramatically, reversing the reductions achieved over the previous eight years. Between January and September there was a rise of 9.7% over the same period in 2011, with 3,539 killings registered. Killings of police officers also rose steeply: more than 90 were killed by November alone. The police, academics and the media reported this rise in the context of increased confrontations between police and the state's main criminal gang, the First Command of the Capital (Primeiro Comando da Capital, PCC). A joint federal-state initiative was announced to combat the violence, under the control of a newly appointed State Secretary for Public Security.

■ In May, three members of the Military Police's Shock Troop were arrested. They were accused of the extrajudicial execution of a suspected member of the PCC during a police operation in Penha, in the east of São Paulo, the same month. A witness described how the officers detained one of the suspects, beat him and shot him dead in a police vehicle.

Police involvement in corrupt and criminal activity persisted. In Rio de Janeiro, while there were some advances in the provision of public security, the *milícias* (groups made up of active or former law enforcement agents) continued to dominate many of the city's *favelas*.

■ In October, members of the League of Justice (*Liga da Justiça*) *milícia* reportedly issued death threats to the owners of one of the city's informal bus companies, warning them to stop working in four areas of the city. This effectively cut off transport links for up to 210,000 people. The threats occurred as the group attempted to wrest control of transport services in the west of the city.

## Torture and cruel, inhuman and degrading conditions

In July, the UN Subcommittee on Prevention of Torture expressed concern at the widespread use of torture and the failure of the authorities to ensure effective investigations and prosecutions. Efforts by the federal authorities and some state authorities to combat and prevent torture were made within the Integrated Action Plan to Prevent and Combat Torture. Central to this was pending federal legislation for the creation of a National Preventative Mechanism, in line with the requirements of the Optional Protocol to the UN Convention against Torture. However, human rights groups were

concerned by a change to the legislation that allowed the President alone to select the members of the National Committee to Prevent and Combat Torture. This was seen to violate the requirements of the UN Optional Protocol and the UN Principles relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights (the "Paris Principles").

The UN Subcommittee on Prevention of Torture praised Rio de Janeiro's state mechanism for the independence of its selection criteria and structure and the mandate it had been set. However, there were concerns that it was not receiving full funding.

The number of people detained continued to rise. A shortfall of over 200,000 places meant that cruel, inhuman and degrading conditions were commonplace. In Amazonas state, detainees were held in foetid, overcrowded, insecure cells. Women and minors were detained in the same units as men, and there were numerous reports of torture, including near-suffocation with a plastic bag, beatings and electric shocks. These reports mostly involved members of the state military police.

## Land rights

Hundreds of communities were condemned to live in appalling conditions by the authorities' failure to fulfil their constitutional rights to land. Land activists and community leaders were threatened, attacked and killed. Indigenous and *Quilombola* communities were at particular risk, often as a consequence of development projects.

The publication by the Attorney General's Office of a controversial resolution (*Portaria 303*) in July prompted protests by Indigenous Peoples and NGOs across Brazil. The resolution would permit the establishment of mining, hydro-electric schemes and military installations on Indigenous lands, without the free, prior and informed consent of affected communities. At the end of the year, the resolution was suspended, pending a Supreme Court decision.

A constitutional amendment was before Congress at the end of the year that would pass responsibility for demarcating Indigenous and *Quilombola* land from official bodies to the National Congress. There were concerns that, if approved, the amendment would politicize the process and jeopardize constitutional protections.

Development projects continued to have a detrimental impact on Indigenous Peoples. Long-standing efforts to identify and demarcate Indigenous lands remained stalled.

■ Despite a series of legal challenges and protests, construction of the Belo Monte dam continued. In August, work was halted following a federal court ruling that Indigenous Peoples had not been adequately consulted, but the ruling was subsequently overturned by the Supreme Court.

In Mato Grosso do Sul state, Indigenous Guarani-Kaiowá communities continued to face intimidation, violence and the threat of forced eviction from their traditional lands.

■ In August, after staging a re-occupation of their traditional lands in Mato Grosso do Sul, the Guarani-Kaiowá community of Arroio-Korá was attacked by gunmen who burned crops, shouted abuse and fired shots. According to witnesses, the gunmen abducted Eduardo Pires. His whereabouts remained unknown at the end of the year.

■ In the face of an eviction order, the Pyelito Kue/Mbarakay community in Mato Grosso do Sul issued an Open Letter in October to the Brazilian government and the judiciary in which they complained that they were living under virtual siege, surrounded by gunmen and without adequate access to food and health care. In October, a woman from Pyelito Kue/Mbarakay was repeatedly raped by eight gunmen who then interrogated her about the community. The following week, a federal court suspended the eviction order, pending the completion of an anthropological report officially identifying their lands.

*Quilombola* communities fighting for their constitutional rights to land continued to suffer violence and threats of forced eviction at the hands of gunmen hired by landowners. The situation in Maranhão state remained critical, with at least nine communities suffering violent intimidation and scores of community leaders receiving death threats.

■ In November, the community of Santa Maria dos Moreiras, in the municipality of Codó, Maranhão state, was invaded by gunmen who fired shots over the settlement. The attack was part of a systematic attempt by local landowners to drive the community off the land, using methods such as the destruction of crops and death threats against community leaders.

## Human rights defenders

Human rights defenders were subjected to threats and intimidation as a direct consequence of their work. Those challenging vested economic and political interests were particularly at risk. Protection for defenders was patchy because of the failure to implement the federal protection programme effectively.

■ Nilcilene Miguel de Lima, a rural activist in the municipality of Lábrea, Amazonas state, was threatened, beaten and driven from her home in May after she denounced illegal logging in the region. She was provided with armed protection through the National Protection Programme, but was withdrawn from the region after threats intensified. At least six rural workers have been killed in the region in land conflicts since 2007.

■ Environmental activist Laísa Santos Sampaio from the Praia Alta Piranheira settlement in Nova Ipixuna, Pará state, continued to receive death threats. The threats began following the killing of her sister, Maria do Espírito Santo da Silva, and brother-in-law, José Cláudio Ribeiro da Silva, by contract killers in May 2011. At the end of 2012, she had still not been provided with protection because of the failure to implement the National Protection Programme.

■ In Magé, Rio de Janeiro state, the president of the local fishing association (Associação de Homens e Mulheres do Mar, Ahomar), Alexandre Anderson de Souza, and his wife, Daize Menezes, received a series of death threats. Ahomar has campaigned against the building of a petrochemical refinery in Rio de Janeiro's Guanabara Bay. In late June 2012, the bodies of two fishermen and active members of Ahomar, Almir Nogueira de Amorim and João Luiz Telles Penetra, were found in Guanabara Bay. They had been tied up before being drowned.

## Housing rights

Urban infrastructure projects, many in preparation for the World Cup in 2014 and the Rio Olympics in 2016, led to the forced eviction of families in several communities across Brazil during 2012. The evictions were carried out without giving residents full and timely information about government proposals affecting their communities. The authorities also failed to engage in genuine negotiation with communities to explore all alternatives to eviction, and, where necessary, to offer full compensation or alternative,

adequate housing in the area. Instead, families were moved long distances into inadequate housing, often with limited access to basic services, and in areas with serious security problems.

■ In Providência, in the centre of Rio de Janeiro, 140 houses were demolished during the year as part of an urban revitalization project in the port area, where up to 800 houses had been slated for removal.

Some evicted communities were moved long distances into Rio de Janeiro's west zone, where many areas are dominated by *milícias*. Families living in housing estates in the neighbourhoods of Cosmos, Realengo and Campo Grande reported that they were threatened and harassed by members of the *milícia* and that some had been forced out of their apartments under duress.

■ In January, more than 6,000 people were removed from the site known as Pinheirinho in São José dos Campos, São Paulo state. Residents had been living at the site since 2004. During the eviction, police used dogs, tear gas and rubber bullets. The eviction came despite the suspension of the eviction order and amid negotiations with the federal government to find a solution that would enable residents to remain. The residents were not notified in advance, and were not given sufficient time to remove their belongings from homes. The authorities did not offer adequate alternative housing to the residents and at the end of the year most were living in degrading conditions in temporary shelters and other irregular settlements.

In the city of São Paulo, a parliamentary inquiry was launched to investigate the high incidence of fires that had destroyed a number of *favelas*, many of which were next to wealthy neighbourhoods. In September, 1,100 people were left homeless when the Morro do Piolho *favela* burned down. In November, 600 residents lost their homes in a fire that destroyed the Aracati *favela*. Some 400 people were left homeless by a fire in the Humaitá *favela* in July. Residents of the Moinho *favela* complained that they were prevented by police from reconstructing their houses, after a fire destroyed several houses in the community in September.

## Women's rights

Women's sexual and reproductive rights continued to be under threat.

In March, the High Court of Justice acquitted a man of raping three 12-year-old girls on the grounds

that they were allegedly "sex-workers". The decision, which sparked national and international condemnation, was annulled by the High Court in August.

## Amnesty International visits/reports

✈ Amnesty International delegates visited the State of Amazonas in March to carry out research on ill-treatment in detention.

# BULGARIA

## REPUBLIC OF BULGARIA

Head of state: **Rosen Plevneliev** (replaced **Georgi Parvanov** in January)

Head of government: **Boyko Borissov**

**Roma continued to face discrimination in areas such as education, employment, health care and housing. Conditions of detention fell short of international human rights standards. Homophobic violence persisted.**

## Discrimination – Roma

In January, the UN Independent Expert on minority issues expressed concerns that Roma remained at the bottom of the socio-economic ladder in key areas such as education, employment, health care and housing. Roma continued to be vulnerable to forced evictions.

■ On 24 April, the European Court of Human Rights ruled in the case *Yordanova and Others v. Bulgaria* that the planned eviction of a Romani community from informally occupied land in Batalova Vodenitsa would violate the rights to private and family life. The Court criticized legislation allowing summary arbitrary evictions.

■ On 26 July, in an interview in the *Standard* newspaper, the Mayor of Sofia, the capital, referring to Romani settlements, stated that "illegal dwellings must be pulled down, people who come from other parts of the country should be sent back because they have no homes here or they live in illegal constructions". The Mayor reportedly stated that similar measures had been followed in Lyulin and Vazrazhdane districts and the same approach would be used to deal with other settlements in Sofia.

■ In November, the UN Human Rights Committee, in the case *Liliana Naidenova et al v. Bulgaria*, issued a

B